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March 13, 1998

Magalie R. Salas, Esq.  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

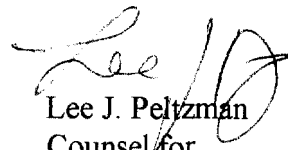
Re: Petition for Rule Making  
Las Vegas, New Mexico

Dear Mrs. Salas:

Transmitted herewith, on behalf of BK Radio, is an original and four (4) copies of its Petition for Rule Making. This Petition for Rule Making seeks the allotment of two (2) additional channels (Channels 268A and 275A) to the community of Las Vegas, New Mexico.

Please contact the undersigned should the Commission have any questions with respect to this Petition for Rule Making.

Sincerely,

  
Lee J. Peltzman  
Counsel for  
BK RADIO

Enclosure

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**Before The  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	MM Docket No. _____
	)	
Amendment of Section 73.202 (b)	)	RM- _____
FM Table of Assignments	)	
(Las Vegas, New Mexico)	)	

To: Chief, Allocations Branch  
Policy and Rules Division

**PETITION FOR RULE MAKING**

1. BK Radio ("BK"), applicant for a new FM station on Channel 244A at Las Vegas, New Mexico (ARN-960829MH), by its attorney and pursuant to Section 1.420 of the Commission's rules, hereby petitions the Commission to make changes in its FM Table of Assignments, Section 73.202 (b) of the Commission's rules, as follows:

<u>Community</u>	<u>Current Channel Assignments</u>	<u>Proposed Channel Assignments</u>
Las Vegas, NM	244A, 251C, 264C3	244A, 251C, 264C3, 268A, 275A

As will be demonstrated below, a number of Class A channels are available for assignment to Las Vegas, and BK hereby requests that its pending Las Vegas application be modified herein to specify operation on Channel 268A in lieu of Channel 244A.

**BACKGROUND**

2. The Commission has allocated Channel 244A at Las Vegas, New Mexico. BK's Las Vegas application is mutually exclusive with applications filed by Sangre de Cristo Broadcasting

Co., Inc. (“Sangre de Cristo”)(ARN-960905MF) and Meadows Media, LLC (“Meadows”)(ARN-960829MG).

3. Consistent with Commission precedent, BK hereby petitions the Commission to add Channels 268A and 275A at Las Vegas. BK herein provides the requisite Allocation Narrative in support of its petition (attached as Appendix A hereto). BK proposes that, in order to eliminate the mutual exclusivity between the three Las Vegas applicants, the Commission permit BK to modify its pending Las Vegas application to specify operation on Channel 268A and afford its application cut-off protection. See Roseburg, Oregon, 6 FCC Rcd. 4369 (1991); Copeland Kansas, 5 FCC Rcd. 7682 (1990). In addition, Channel 275A would be available to either Sangre de Cristo or Meadows for its proposed operation and one of those applications could be modified accordingly and afforded cut-off protection. The third applicant would remain on Channel 244A and continue to be afforded cut-off protection as well. An additional channel, Channel 224A would still remain available for allocation at Las Vegas should there be any other parties expressing an interest for a channel in Las Vegas. See Copeland, Kansas, supra; Roseburg, Oregon, supra.

4. BK hereby commits that, if its allocation request herein is granted, it will modify its pending Las Vegas application for operation on Channel 268A and, upon grant of its application, it will build its station promptly. Channel 244A has already been allotted by the Commission. Channel 275A will be available to either Meadows or Sangre de Cristo to modify its pending Las Vegas proposal. In that respect, attached hereto is a statement from William Sims, a principal of Meadows, stating that Meadows is willing to modify its application on Channel 275A and, upon grant of its application, to construct its station promptly. In addition, as noted, at least one other channel (224A) remains available for allocation at Las Vegas.

5. Significant public interest reasons exist which would warrant the grant of the instant proposal, including resolving the current conflict between three (3) mutually exclusive applications and permitting the prompt institution of service to Las Vegas. See Albion, Nebraska, 10 FCC Rcd. 3183 (1995).

Accordingly, for the reasons stated above, BK Radio hereby petitions the Commission to make the following changes in the FM Table of Assignments, Section 73.202 (b) of the Commission's rules:

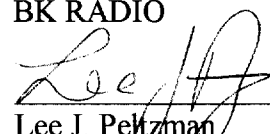
<u>Community</u>	<u>Current Channel Assignments</u>	<u>Proposed Channel Assignments</u>
Las Vegas, NM	244A, 251C, 264C3	244A, 251C, 264C3, 268A, 275A

Further, BK requests that, simultaneously with the adoption of these proposed changes in the FCC's Table of Assignments, the Commission conclude that (a) BK may amend its pending FM application at Las Vegas, New Mexico (ARN-960829MH), to specify operation on newly-assigned Channel 268A; (b) Meadows may amend its pending FM application at Las Vegas, Meadows (ARN-960829MG) to specify operation on newly-assigned Channel 275A; (c) the applications of Meadows and BK, as amended, be afforded cut-off protection from other applications proposing to use the channels in question in Las Vegas; and (d) the applications of Meadows and BK, as amended, and Sangre de Cristo, be granted.

Respectfully submitted:

BK RADIO

By:

  
\_\_\_\_\_  
Lee J. Peltzman  
Its Attorney

Shainis & Peltzman, Chartered  
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202/293-0011  
March 13, 1998

**APPENDIX A**

## ALLOCATION NARRATIVE

This statement is prepared on behalf of BK Radio. This is a Petition for Rule Making to resolve a conflict in filings which requests an amendment of the Table of FM Channel Allotments, Section 73.202 (b) of the FCC Rules. The request is to add a second and third FM station on Channels 268A and 275A at Las Vegas, New Mexico. This statement discusses the technical factors involved in the above changes.

1. The reference coordinates for this Las Vegas proposal are:

Latitude 35° 36' 16" North, Longitude 105° 15' 35" West

2. As can be seen from the attached allocation study, the Class A operations from this site will comply with all separation requirements as set forth in Section 73.207 of the FCC's rules.

3. From the reference site, the entire city of Las Vegas will be served with the 70 dBu contour as required by Section 73.315 (a) and (b) of the FCC's rules.

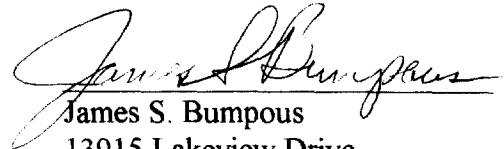
4. The site proposed herein is within the 320 km coordination distance required with Mexico.

5. In addition, one additional Channel (224A) may be set aside as an alternate channel in the event any other parties express an interest for a channel in Las Vegas. Channel 224A will also comply with all separation and city grade coverage requirements set forth in the FCC's rules.

6. The community of Las Vegas, New Mexico is already established by the FCC. This second and third allocations will resolve the mutually-exclusive requests to render service to Las Vegas.

I, James S. Bumpous, am a licensed engineer. All statements made herein are true and correct to the best of my knowledge and belief.

March 10, 1998

  
James S. Bumpous  
13915 Lakeview Drive  
Austin, TX 78732-1046

Search of channel 268A6 (101.5 MHz), at N. 35 36 16, W. 105 15 35.

CALL	CITY	ST	CHN	CL	S	DIST	SEPN	BRNG	CLEAR
KSFR	Santa Fe	NM	214	A	L	66.7	10.0	277.0ø	56.7
ALC	White Rock	NM	266	A	U	87.5	31.0	292.3ø	56.5
KSFQ	White Rock	NM	266	A	L	98.6	31.0	289.2ø	67.6
ALC	Albuquerque	NM	267	A	U	145.5	72.0	244.8ø	73.5
KEZF	Albuquerque	NM	267	A	L	150.4	72.0	246.7ø	78.4
ALC	Clovis	NM	268	C1	V	226.6	200.0	124.0ø	26.6
NEW	Clovis	NM	268	C1	A	228.1	200.0	124.1ø	28.1
NEW	Clovis	NM	268	C1	A	237.5	200.0	129.1ø	37.5
NEW	Clovis	NM	268	C1	A	230.1	200.0	126.3ø	30.1
NEW	Clovis	NM	268	C1	A	239.4	200.0	130.9ø	39.4
NEW	Clovis	NM	268	C1	A	227.4	200.0	121.7ø	27.4
NEW	Clovis	NM	268	C1	A	233.9	200.0	115.8ø	33.9
ALC	Rio Rancho	NM	269	A	U	119.1	72.0	247.5ø	47.1
KTAO	Taos	NM	269	A	L	95.7	72.0	340.3ø	23.7
KZKL	Rio Rancho	NM	269	A	L	119.1	72.0	247.5ø	47.1
KZKL	Rio Rancho	NM	269	A	L	119.7	72.0	247.3ø	47.7
ALC	Taos	NM	270	C1	U	79.7	75.0	333.5ø	4.7
KTAO	Taos	NM	270	C1	C	79.7	75.0	333.5ø	4.7



Search of channel 275A6 (102.9 MHz), at N. 35 36 16, W. 105 15 35.

CALL	CITY	ST	CHN	CL	S	DIST	SEPN	BRNG	CLEAR
K221DM	Wagon Mound, etc.	NM	221	D	L	53.0	0.0	37.4ø	53.0
ALC	Los Lunas	NM	273	C	U	116.5	95.0	248.0ø	21.5
KIOT	Los Lunas	NM	273	C	C	116.5	95.0	248.2ø	21.5
ALC	Kirtland	NM	275	C	U	306.0	226.0	301.1ø	80.0
K275AD	San Augustin, etc.	NM	275	D	L	23.1	0.0	163.4ø	23.1
NEW	Kirtland	NM	275	C	C	272.2	226.0	299.6ø	46.2
ALC	Albuquerque	NM	277	C	U	116.5	95.0	248.2ø	21.5
KTBL	Albuquerque	NM	277	C	L	116.5	95.0	248.2ø	21.5

Search of channel 224A6 (92.7 MHz), at N. 35 36 16, W. 105 15 35.

CALL	CITY	ST	CHN	CL	S	DIST	SEPN	BRNG	CLEAR
K221DM	Wagon Mound, etc.	NM	221	D	L	53.0	0.0	37.4ø	53.0
ALC	Albuquerque	NM	222	C	U	116.5	95.0	248.2ø	21.5
KRST	Albuquerque	NM	222	C	L	116.5	95.0	248.2ø	21.5
ALC	Trinidad	CO	223	C1	U	183.7	133.0	21.4ø	50.7
KCRTFM	Trinidad	CO	223	C1	C	169.4	133.0	24.6ø	36.4
KCRTFM	Trinidad	CO	224	A	L	183.7	115.0	21.4ø	68.7
ALC	Tucumcari	NM	224	A	U	149.1	115.0	108.8ø	34.1
K224CK	Las Vegas	NM	224	D	L	0.0	0.0	0.0ø	0.0
KQAYFM	Tucumcari	NM	224	A	L	149.1	115.0	108.8ø	34.1
ALC	Espanola	NM	225	C3	U	68.0	89.0	313.5ø	-21.0
KYBR	Espanola	NM	225	A	L	85.2	72.0	301.2ø	13.2
KYBR	Espanola	NM	225	C3	C	93.0	89.0	310.8ø	4.0
ALC	Albuquerque	NM	227	C	U	116.5	95.0	248.0ø	21.5
KKOBFM	Albuquerque	NM	227	C	L	116.5	95.0	248.0ø	21.5

## STATEMENT

I, William Sims, am President of Meadows Media, LLC ("Meadows"), applicant for a new FM station on Channel 244 A at Las Vegas, New Mexico (ARN-960829MG). Meadows supports the Petition for Rule Making filed by BK Radio with respect to adding additional channels at Las Vegas, New Mexico. In the event that the Commission allots Channel 275A to Las Vegas, Meadows is agreeable to modifying its application to operate on that channel and, upon grant of its application on that channel, it will construct its station promptly.

Date: March 9, 1998



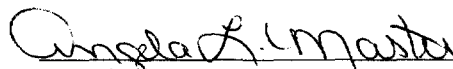
William Sims

## CERTIFICATE OF SERVICE

I, Angela L. Master, Secretary, of the law firm of Shainis & Peltzman, do hereby certify that copies of the foregoing document were sent, via First Class Mail, this 13<sup>th</sup> day of March, 1998, to the office of the following:

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Angela L. Master